IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO :17775 of 2007

DATED:23.8.2007.

Between:

M.Krishnamurthy

.....

PETITIONER

AND

1.The Inspector General of Prisons &
Correctional Services, Hyd & others

.....RESPONDENTs

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:17775 OF 2007

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

The petitioner has filed the present writ petition seeking to call for the records pertaining to the order dated 12.2.2004 in O.A.No:2490 of 2001 of the Tribunal and declare that the proceedings of the 1st respondent dated 21.11.2000 as illegal and also to declare that the petitioner is entitled to count the periods from suspension till his reinstatement for pension, increment, gratuity and other benefits.

The petitioner is the applicant. Originally, on the O.A. filed by the applicant challenging the action of the respondents in imposing the punishment of treating the suspension period as not on duty, not being counted for pension, increments etc and reducing the time scale of pay to the bottom of the pay i.e., Rs.1535-2840 by proceedings No:E A4/893/1995, dated 21.11.2000 as illegal and arbitrary and seeking a direction to count the periods from suspension till his reinstatement for pension, increment, gratuity and other benefits and fix the pay at the appropriate stage in the time scale of warder in the revised pay scales and treat the suspension period as on duty, the

tribunal having observed that since the applicant was convicted by the trial Court and the same was set aside in the appeal while releasing the applicant under the provisions of Probation of Offenders Act and since the order was modified in furtherance of directions of the tribunal in the earlier O.A.1111 of 1995, the order impugned therein is perfectly legal and it does not warrant any interference, dismissed the O.A. Having aggrieved by the same, the present writ petition is preferred by the applicant.

Heard the learned counsel for the petitioner and the learned G.P. for Home and perused the entire material available on record as well as the order impugned.

A perusal of the record clearly goes to show that aggrieved by the dismissal from service, the applicant has filed O.A.No:1111 of 1995 on an earlier occasion and the same was allowed and in pursuance of the order passed in the earlier O.A., the respondents have modified the order of dismissal by fixing the pay as a fresh candidate. Apart from that, the applicant was also convicted and sentenced by the trial Court. Of course, the same were set aside in the appeal by releasing the applicant under the provisions of probation of offenders Act. In this back ground of the matter, We feel that since the order in O.A.1111 of 1995, on which basis, the modified order in question has been passed by the authorities by fixing the pay of the applicant as a fresh candidate, has become final, the applicant cannot re agitate the contentions that have already been considered in the earlier O.A.

In this view of the matter, We feel that the tribunal is

justified in passing the order impugned and as such, it needs no interference by this Court. Hence, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

(JUSTICE T.MEENAKUMARI)

23rd August, 2007

(JUSTICE G.CHANDRAIAH)

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THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO:17775 of 2007
(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

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23rd August, 2007.